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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,088	07/06/2001	Toshiaki Nakano	Q65341	3529
7590	02/10/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(Handwritten circle around "Office Action Summary")

Office Action Summary

	Application No.	Applicant(s)
	09/899,088	NAKANO, TOSHIAKI
	Examiner Brian J. Broadhead	Art Unit 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-25-02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 1-25-2002 does not fully comply with the requirements of 37 CFR 1.98(b) because: There isn't a copy provided of the abstract 03203770. Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b). Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered. See 37 CFR 1.97(i).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 through 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims repeat the limitation of "locus data" but there is not a clear definition of what this locus data represents. Based solely on the definition of the words, one would interpret "locus data" to mean position data. But this definition does

not work in the context of the claims because the present location data is used to create the locus data. So it seems that locus data must be something beyond simple location data. However, the specification never discloses how the locus data is created from the measured location data and this makes it impossible to determine the scope of the claims.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

6. Claims 2, 3, 5, 6, 9, 12 and 13 all have some variation of the limitation "a road information updating section for updating said locus data as the road information if road data corresponding to said locus data has not set in said road network data on the basis of a result of comparing/collating." This limitation is not clear. It is not understood what "updating said locus data as the road information" means. Is the locus data or road information being updated? Also, the statement "if road data corresponding to said locus data has not set in said road network data" is unclear because the meaning of "has not set" isn't understood.

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7. Claim 7 recites the limitation "said map information" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "these data" in line 4-5. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 8 recites the limitation "said constructed road network data" in line 10-11.

There is insufficient antecedent basis for this limitation in the claim.

10. Claim 11 recites the limitation "said constructed road network data" in line 11-12.

There is insufficient antecedent basis for this limitation in the claim.

11. The remaining claims, claims 6 and 10, are rejected for being dependant on a rejected claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 through 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherveny et al., 2003/0125871.

14. Cherveny et al. disclose location data receiving means for receiving present location data from said terminal unit via said communication network in paragraphs 36 and 39; road network data updating means for creating locus data on the basis of said

present location data thus received to update said constructed road network data in paragraph 50; a comparing/collating section for comparing/collating a locus data of said location data with said road network data in paragraph 50; a road information updating section for updating said locus data as the road information if road data corresponding to said locus data has not set in said road network data on the basis of a result of comparing/collating in paragraph 50; road information updating decision section for deciding said locus data as the road information to be updated if the locus data obtained by a prescribed number of terminal units have substantially the same locus in paragraphs 50 through 52; said map information includes node data indicative of point information on a map and link data indicative of road information on the map, and said road network site correlates these data and transmits these correlated data as road data to be updated to the terminal unit according to a request therefrom in figure 4a and paragraphs 68-81.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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|--------------------|---------------|---------------|
| 16. US2004/0186661 | Barton | Sep. 23, 2004 |
| 17. US2002/0128768 | Nakano et al. | Sep. 12, 2002 |
| 18. US2001/0014849 | King et al. | Aug. 16, 2001 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS G. BLACK
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